

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DEXTER DAVENPORT, et al.,

Plaintiffs,

-v-

HOUSTON WIRE & CABLE COMPANY, et al.,

Defendants.
-----X

21-CV-4127 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On July 14, 2021, Plaintiff Dexter Davenport voluntarily dismissed his claims pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. ECF No. 7. Plaintiff Susan Finger's claims remain. That said, the Court has reason to believe that this consolidated case may now be moot. *See, e.g.*, ECF No. 1 ¶¶ 1-4 (seeking to enjoin the closing of a merger between Houston Wire & Cable Company and Omni Cable, LLC); *Omni Cable Completes \$91M Acquisition of Houston Wire & Cable*, Industrial Distribution (June 17, 2021), <https://www.inddist.com/mergers-acquisitions/news/21509331/omni-cable-completes-91m-acquisition-of-houston-wire-cable> ("Houston Wire & Cable Company (HWCC) and Omni Cable, LLC announced June 15 that the acquisition of HWCC by OmniCable has been completed, following approval of the transaction by HWCC stockholders at a special meeting earlier that day.")


In light of the foregoing, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action **within sixty days** of the date of this Order if the case is not, in fact, moot.

To be clear, any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis. **Further, requests to extend the deadline to reopen are unlikely to be granted.**

Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to terminate Dexter Davenport as a plaintiff and to close the case.

SO ORDERED.

Dated: July 15, 2021
New York, New York



JESSE M. FURMAN
United States District Judge